

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

TIMOTHY MICHAEL MALOCH,

Plaintiff,

v.

SALT LAKE COUNTY METRO JAIL,

Defendant.

**DISMISSAL ORDER
& MEMORANDUM DECISION**

Case No. 2:12-CV-1084 DB

District Judge Dee Benson

Plaintiff, inmate Timothy Michael Maloch, filed this *pro se* civil rights suit, see 42 U.S.C.S. § 1983 (2013), proceeding *in forma pauperis*, see 28 *id.* 1915. Reviewing the Complaint under § 1915(e), in an Order dated June 21, 2013, the Court determined Plaintiff's Complaint was deficient. The Court then gave Plaintiff direction for curing the deficiencies, sent him a "Pro Se Litigant Guide," with a blank-form civil rights complaint, and ordered him to cure the deficiencies within thirty days.

Instead of doing so, Plaintiff wrote to the Court that he "will not be serving court order(s) involving 'Amend Deficient [sic] Complaint and/or Memorandum Decision.'" He then wrote another letter in which he stated, "I am not interested in changing my original filing" There is no chance that Plaintiff misunderstands the consequences of his statements. After all, in an earlier case, he sent the Court a similar response to an order to cure deficiencies in that complaint, and,

after the Court explained the effect of his response and gave him another chance to cure, he stuck with his determination not to amend his complaint--only to have it dismissed for failure to state a claim. *See Maloch v Nguyen*, No. 2:12-CV-830 DAK (D. Utah Apr. 24, 2013).

IT IS THEREFORE ORDERED that Plaintiff's Complaint is **DISMISSED** with prejudice for failure to state a claim under § 1915(e)(2)(B)(ii), failure to follow Court orders, and failure to prosecute. The Court has given Plaintiff an opportunity to amend and deems further opportunities futile. This case is **CLOSED**.

DATED this 22 day of July, 2013.

BY THE COURT:

A handwritten signature in black ink, reading "Dee Benson". The signature is fluid and cursive, with the first name "Dee" and last name "Benson" clearly distinguishable.

JUDGE DEE BENSON
United States District Court